



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE:
April 23, 2002

NEWS MEDIA CONTACT:
Meribeth McCarrick: (202) 418-0654

FCC AFFIRMS MVDDS AUTHORIZATION AND ADOPTS SERVICE RULES FOR THE 12.2-12.7 GHZ BAND

Washington, D.C. - The Federal Communications Commission (Commission) has taken several steps to facilitate the delivery of new video and broadband communications services, such as local television programming and high-speed Internet access, in the 12.2-12.7 GHz band (12 GHz band). Specifically, the Commission affirmed its decision to authorize the Multichannel Video Distribution and Data Service (MVDDS) under the existing fixed service allocation in the 12 GHz band. The decision potentially allows the entrance of new competition in the Multichannel Video Programming Distributor marketplace to the benefit of consumers.

The establishment of MVDDS reflects a carefully crafted balance in the 12 GHz band in which the Commission affords protection to the Direct Broadcast Satellite (DBS) service and the non-geostationary satellite orbit (NGSO) fixed-satellite service (FSS) while allowing the entrance of MVDDS. The Commission adopted MVDDS service and technical rules that permit MVDDS operators to share the 12 GHz band with DBS and NGSO FSS operators on a co-primary basis, subject to the condition that they do not cause impermissible interference to the DBS service. Additionally, the Commission dismissed, without prejudice, all applications for terrestrial use of the 12 GHz band that have been filed to date, and it denied the corresponding waiver requests in favor of adopting service rules in this proceeding to resolve the complex technical and sharing issues in this band.

The Commission decided to adopt a geographic licensing scheme and, in the event mutually exclusive applications are filed, will assign licenses via competitive bidding. A licensing system based on Component Economic Areas (CEAs) will be used with one spectrum block of 500 megahertz available per CEA.

Specifics of Action:

The Commission's major actions in the *Memorandum Opinion and Order and Second Report and Order* include:

- Dismissing without prejudice the pending applications of Broadwave USA, PDC Broadband Corporation and Satellite Receivers, Ltd. for terrestrial use of the 12 GHz band.
- Adopting a licensing system for MVDDS based on CEAs, with one spectrum block of 500 megahertz available per CEA, and, deciding to use the general competitive bidding rules set forth in Part 1, Subpart Q, of the Commission's rules to resolve any mutually exclusive applications for initial MVDDS licenses.

- Affirming the Commission's earlier decision to authorize MVDDS in the 12 GHz band.
- Adopting equivalent power flux density (EPFD) limits for MVDDS to protect DBS subscribers.
- Requiring MVDDS operators to ensure that the adopted EPFD limits are not exceeded at any existing DBS customer location. If the EPFD limits are exceeded, the MVDDS operator will be required to discontinue service until such time that the limits can be met.
- Adopting MVDDS power flux density limits, MVDDS/NGSO FSS spacing rules, and coordination requirements to facilitate mutual sharing of the 12 GHz band.
- Adopting a "safety valve" that allows individual DBS licensees or distributors to present evidence that the appropriate EPFD for a given service area should be different from the EPFD applicable in that zone.
- Permitting fixed one-way operations, but excluding mobile and aeronautical operations.
- Requiring incumbent non-public safety Private Operational Fixed Service (POFS) licensees to protect MVDDS and NGSO FSS operations and requiring MVDDS and NGSO FSS operations to protect incumbent public safety POFS licensees in the 12 GHz band.
- Suspending the acceptance of POFS applications for new licenses, amendments to applications for new and modified licenses, and applications for major modifications to existing licenses.
- Declining to permit dominant cable operators from acquiring an attributable interest in an MVDDS license for a service area where significant overlap is present, but not restricting DBS providers' eligibility to acquire MVDDS licenses.

Action by the Commission April 11, 2002, by *Memorandum Opinion and Order and Second Report and Order* (FCC 02-116). Chairman Powell and Commissioner Abernathy with Commissioners Copps and Martin approving in part and dissenting in part with Chairman Powell and Commissioner Abernathy issuing a joint statement and Commissioners Copps and Martin issuing separate statements.

ET Docket No. 98-206

- FCC -

OET Staff Contacts: Tom Derenge at (202) 418-2451; e-mail at tderenge@fcc.gov; Gary Thayer at (202) 418-2290; email at gthayer@fcc.gov; or Ira Keltz at (202) 418-0616; email at ikeltz@fcc.gov.

WTB Staff Contacts: Jennifer Burton at (202) 418-7581; email at jbarton@fcc.gov or Diane Conley at (202) 418-0786; e-mail at dconley@fcc.gov.

IB Staff Contacts: Richard Engelman at (202) 418-2157; e-mail at rengelma@fcc.gov; Linda Haller at (202) 418-1408; e-mail at lhaller@fcc.gov; Paul Locke at (202) 418-0756; e-mail at plocke@fcc.gov